

REMARKS

Claims 1-39 are pending in this application. Claims 14 and 24 are allowable. Claims 9, 12, 13, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1-8, 10, 11, 16-23, and 25-39 are rejected.

Applicant appreciates the Examiner's statement that Claims 14 and 24 are allowable and that claims 9, 12, 13, and 15 would be allowable if rewritten in independent form. Reconsideration and allowance of the rejected claims is respectfully requested in view of the amendments and the following remarks.

Claims 1-8, 10, 11, 16-23, and 25-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,647,409 to *Sherman et al.* (hereinafter "*Sherman*").

Applicant respectfully disagrees with the Examiner's characterization of *Sherman* as it has been applied in the present case. However, in order to expedite prosecution, Applicant has amended claims 1, 17, 25, 32 and 35.

Sherman does not teach or suggest all of the claim elements of independent claims 1, 17, 25, 32, and 35, as amended. Claims 1, 17, 25, 32, and 35 involve establishing a connection with the external data server contingent on whether or not the desired reference information is locally stored. As set forth in the amended claims, if the desired reference information is locally stored, then the desired reference information is obtained from local storage. If the desired reference information is not found in local storage, the connection with the remote server is established and the information is retrieved from the remote server. Therefore, as set forth in claims 1, 17, 25, 32, and 35, if the information is found locally, the need to connect externally is not required. The contingent connection with the remote server presents a clear difference from *Sherman*, which always requires a connection to the remote server regardless of whether the information is locally stored.

Sherman's approach always requires a server connection prior to operation and does not disclose connecting to the remote server if the information is not locally stored. For example, see element 212 of Figure 5 of *Sherman*. Also see col. 2, lines 64-65, "Initially, the H/PC downloads preliminary information from the server." Also see col. 6, lines 62-64, "The connect session begins at operation 200 which makes a connection with the email

server.” Also see col. 8, lines 7-10, “the operation flow begins with a connection operation 212, which connects the H/PC to the server to begin the session.”

Sherman does not teach or suggest all of the claim elements of independent claims 1, 17, 24, 25, 32, and 35, including establishing a connection with the remote server contingent on whether the information is locally stored. For at least these reasons, Applicant’s invention is patentable over *Sherman*.

Dependent claims 2-8, 10, 11, 16, 18-23, 26-31, 33, 34, and 36-39 were also rejected under 35 U.S.C. §102(e) as being unpatentable over *Sherman*. While Applicant does not acquiesce with the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the amendments and remarks made in connection with independent Claims 1, 17, 25, 32, and 35. These dependent claims include all of the limitations of the base claim from which they depend and any intervening claims, and recite additional features which further distinguish these claims from the cited references.


In view of the amendments to the claims, the present rejections are moot, therefore Applicant finds it unnecessary to respond to each and every argument raised in the Office Action. It is to be understood that Applicant does not acquiesce to the Examiner’s characterization of the asserted art, or to the Examiner’s characterization of Applicant’s claimed subject matter, or to the Examiner’s application of the asserted art or combinations thereof to Applicant’s claimed subject matter. Applicant reserves the right to address in detail the Examiner’s characterizations and rejections of the claims in future prosecution.

In view of the above discussion, Applicant believes that the rejections have been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at 952.854.2700.

Respectfully submitted,

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